

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

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Amendment of Parts 73 and 74 of the
Commission's Rules to Permit Certain
Minor Changes to Broadcast Facilities
Without a Construction Permit)

MM Docket No. 96-58

DOCKET FILE COPY 0-100146

To: The Commission

**Comments of the Association of
America's Public Television Stations**

The Association of America's Public Television Stations submits these Comments in support of the proposed revisions to the rules applicable to television licensees set forth in the Notice of Proposed Rule Making in the above-captioned proceeding ("Notice"). Adoption of the proposed rules will relieve television licensees of the requirement to file needless applications and incur unnecessary delay in modifying their facilities and will reduce administrative burdens on both broadcasters and the Commission.

APTS is a nonprofit membership association whose members comprise the licensees of most of the nation's 351 public television stations. Those licensees are directly affected by the Commission's rules governing the process by which they can modify their facilities. Under the Commission's current rules, they are required to apply for construction permits and then must submit license applications for minor changes in facilities that pose little or no risk of causing interference to other broadcast stations.

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In its Notice, the Commission has proposed eliminating this two step process for the following changes in facilities:

- (1) Using formerly licensed main facilities as auxiliary facilities, as long as the service contour of the auxiliary antenna lies within the authorized service contour of the main antenna,
- (2) Changing the vertically polarized ERP of omni-directional television stations, and
- (3) Lowering the center of antenna radiation by 4 meters instead of the currently authorized 2 meters.

Under the Commission's proposal, licensees could make any of these changes without prior authorization and simply file applications to modify their licenses after the change is made. In appropriate cases where increases in ERPs are involved, RF emission showings would also be required.

APTS fully supports these proposals. In each situation, there is little risk, if any, that the change in facilities will cause interference to other broadcasters or will reduce the service provided by the station. As such, requiring construction permits imposes a meaningless administrative burden on both broadcasters and the Commission staff. These burdens are particularly onerous for public television stations. Requiring them to file needless applications diverts their limited resources from programming and other tasks central to the operation of the stations.

Accordingly, APTS encourages the Commission to dispense with these application requirements now that the Communications Act permits it to do so. The submission of a modification of license application provides the Commission and the public with the appropriate information concerning the station's facilities, and there is no public benefit in the current two step process. Retention of the Commission's requirement of an environment

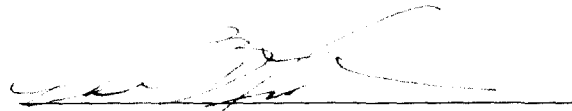
impact showing where a station is proposing to increase its ERP is all that is necessary to assure the public interest.

Similarly, APTS supports the Commission's proposal to eliminate the requirement that television broadcasters submit a construction permit application to relocate their main studio outside the city of license. The factors that bear on those proposals are almost exclusively legal, and there is no need for an applicant to complete a Form 340 or Form 301 in order to make such a move. The submission of a letter or motion requesting a waiver of the Commission's main studio rules will provide the Commission and the public with a full opportunity to consider the issues involved.

Conclusion

APTS commends the Commission for its prompt issuance of the Notice in this proceeding. The rules it proposes to eliminate or modify impose needless filing obligations on broadcasters and processing burdens on the Commission. Permitting broadcasters to make these changes without authorization by filing license modification applications and otherwise simplifying the regulatory process will give broadcasters greater flexibility without any adverse effect on the public interest.

Respectfully submitted,



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